

ORIGINAL**CV 20 - 1399****FILED**
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAR 16 2020 ★

BROOKLYN OFFICEIN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**KOVNER, J**Dionisio Cardona

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for Employment Discrimination **BLOOM, M.J.**

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☐ No
(check one)**-against-**

- 1) 3727 Property Ltd.
- 2) SLT Property Management LLC
- 3) Venture NY Property Management LLC

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)



I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Dionisio Cardona</u>
Street Address	<u>37-27 86 St Apt 10</u>
City and County	<u>Jackson Heights, Queens</u>
State and Zip Code	<u>New York 11372</u>
Telephone Number	<u>917-509-4073</u>
E-mail Address	<u>Cardona Dionisio 1@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	<u>37-27 Property LTD. (Bradford House)</u>
Job or Title (if known)	<u></u>
Street Address	<u>37-27 86 St.</u>
City and County	<u>Jackson Heights Queens</u>
State and Zip Code	<u>New York 11372</u>
Telephone Number	<u>718 626-8833</u>
E-mail Address (if known)	<u>Anes@Vnypm.com</u>

Defendant No. 2

Name	<u>Leonard N. Jacobs / SW Management LLC</u>
Job or Title (if known)	<u></u>
Street Address	<u>144-03 35th Ave</u>
City and County	<u>Flushing Queens</u>

Defendant No 2

Venture NY Property Management LLC
 36-30 37 St
 Long Island City, Queens
 New York 11101
 718 626-8833 Anes@vnypm.com

No 2 State and Zip Code New York 11354
 Telephone Number 718 539-2022
 E-mail Address sljrealty@aol.com
 (if known)

C. Place of Employment

The address at which I sought employment or was employed by the defendant(s) is:

Name 37-27 Property Ltd
 Street Address 37-27 86 St
 City and County Jackson Heights Queens
 State and Zip Code New York 11372
 Telephone Number 718 626-8833-718 539-2022

II. Basis for Jurisdiction

This action is brought for discrimination in employment pursuant to (check all that apply):

- ☐ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

- ☒ ~~Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.~~

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)

- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)

☐ Other federal law (*specify the federal law*):

☐ Relevant state law (*specify, if known*):

☐ Relevant city or county law (*specify, if known*):

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (*check all that apply*):

- ☒ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☒ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts (*specify*): Pain, Suffering, depression

(*Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.*)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

8/23/18

C. I believe that defendant(s) (check one):

- ☒ is/are still committing these acts against me.
☐ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☐ race _____
☐ color _____
☐ gender/sex _____
☐ religion _____
☐ national origin _____
☒ age. My year of birth is 6/05/58. (Give your year of birth only if you are asserting a claim of age discrimination.)
☒ disability or perceived disability (specify disability)
short term disability due to stroke

E. The facts of my case are as follows. Attach additional pages if needed.

I am a superintendent for 28 years of the -
Property 37-27 86 St Jackson Heights NY-11372
I had suffer a like Heat stroke, due to the -
employer assing me a roof work at 105°F deg-
rees, applying tar paint for the roof. on July, 19-2017
in the morning, my wife call 911 because I was
verey weake and fold in the bathtub, ambulance
came, and they notice that I was having a stroke
I was admiting in ELMHURST Hospital for 3 weeks,
plus 4 or 3^{months} in fisical Therapy and ocupational Therapy.
the Local 32B) still side with the EMPLOYER attorney-lawyer
and their Doctors to Terminate my Job, AFTER my Doctors cleare

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

5/29/19

- B. The Equal Employment Opportunity Commission (check one):

- ☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on (date).

2/19/20

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

- ☒ 60 days or more have elapsed.
☐ less than 60 days have elapsed.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

My prior job and back pay from Dec 13, 2017 to the
date of my employment reinstatement.

All medical benefits, pension and other benefits

I had under the union

My claim is pending arbitration with the union.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 3/10, 2020

Signature of Plaintiff

Printed Name of Plaintiff

Dionisio Cardona
DIONISIO CARDONA

EEOC Form 181-A (11/18)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE
(CONCILIATION FAILURE)

To: **Dionisio Cardona**
37-27 86th St Apt 1-0
Jackson Heights, NY 11372

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(e))

EEOC Charge No.	EEOC Representative	Telephone No.
846-2019-12923	Julissa Soriano, Investigator	(929) 506-5304

TO THE PERSON AGGRIEVED:

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Judy A. Keenan,
Deputy Director and Acting District Director

Enclosures(s)

1/17/2020

(Date Mailed)

cc:

William Cusack
Attorney at Law
Wilson Elser Moskowitz Edelman & Dicker LLP
150 E 42nd Street
New York, NY 10017

Gmail - Re: Notice of Right to Sue Document

<https://mail.google.com/mail/u/1?ik=a2adf4ccad&view=pt&search=...>

Dionisio Cardona <cardonadionisio1@gmail.com>

Re: Notice of Right to Sue Document

2 messages

JULISSA SORIANO <JULISSA.SORIANO@eeoc.gov>

Wed, Feb 19, 2020 at 12:08 PM

To: Dionisio Cardona <cardonadionisio1958@gmail.com>, Dionisio Cardona <cardonadionisio1@gmail.com>

Good afternoon Mr. Cardona,

Attached is your Notice of Right to Sue document. This is the document you will need to bring to Federal Court.

Regards,

Julissa Soriano

Federal Investigator

U.S. Equal Employment Opportunity Commission

New York District Office

33 Whitehall Street

New York, NY 10004

Tel: (929) 506-5304

JULISSA.SORIANO@EEOC.GOV



NRTS_Cardona.pdf
218K

Dionisio Cardona <cardonadionisio1@gmail.com>

Wed, Feb 19, 2020 at 4:45 PM

Draft To: JULISSA SORIANO <JULISSA.SORIANO@eeoc.gov>

Cc: Dionisio Cardona <cardonadionisio1958@gmail.com>